

**REMARKS/ARGUMENTS**

The present Amendment is in response to the Office Action having a mailing date of July 29, 2004. Claims 1-16 are pending in the present Application. Applicant has amended claims 1-4, 12-14, and 15. Consequently, claims 1-15 remain pending in the present Application.

Applicant has amended independent claims 1, 13, 14, and 15 to recite that the data relating to parameters for the cluster are dynamically obtained and dynamically analyzed to determine whether performance of the cluster can be improved. Support for the amendment to claims 1, 13, 14, and 15 can be found in the specification, page 10, lines 2-11. Claims 1-4 and 12-14 were also amended to remove the alphabetical designation of the steps. Applicant has also amended claims 13 and 14 to indicate that the remedy includes a cluster level remedy. Accordingly, Applicant respectfully submits that no new matter is added.

In the above-identified Office Action, the Examiner rejected claims 1-6 and 13-16 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,668,995 (Bhat). The Examiner also rejected claims 6-12 as being unpatentable over Bhat in view of U.S. Patent No. 5,692,192 (Sudo).

In the above-identified Office Action, the Examiner rejected claims 1-6 and 13-16 under 35 U.S.C. § 102 as being anticipated by Bhat.

Applicant respectfully traverses the Examiner's rejection. Independent claims 1, 13, 14, and 15 recite that data related to monitors for the cluster are dynamically obtained and dynamically analyzed. Claims 1, 13, 14, and 15 also recite that one or more remedies are provided if the analysis indicates that the performance can be improved. These remedies can or do include at least one cluster level remedy. A cluster level remedy is one which can be performed for a cluster, but not for a system having a single node. Specification, page 11, lines 16-19.

Bhat fails to teach or suggest a method, system, or computer-readable medium that dynamically obtain data regarding monitors or dynamically analyze the data to determine whether performance of a cluster can be improved. Bhat describes a system that is used in planning a multi-processor computer system. Bhat, Abstract. In order to plan the system, the “user specified requirements” are input. Bhat, col. 1, lines 58-60. These inputs include a number of *average* parameters, such as the average number of transactions, the average input data size per transaction, the average output data size per transaction etc. Bhat, col. 3, lines 6-13. Moreover, the system of Bhat provides “defaults values” for these inputs that can “overridden by the user.” Bhat, col. 3, lines 13-15. Thus, it is clear from the discussion of Bhat that these parameters are user-input and presumably predetermined for the system. Consequently, Bhat does not teach or suggest dynamically obtaining data regarding monitors.

Furthermore, the resultant of the analysis of Bhat is a recommended model of the multiprocessor system, the number of processor needed in the server, the amount of memory required, the configuration of the disk subsystem, and other similar features. Bhat, col. 3, lines 25-32. The output of the system and method of Bhat also includes the prices and costs of the proposed systems. Bhat, col. 3, lines 33-38. It is clear, therefore, that the system of Bhat is used in planning for example for creation and/or expansion of a computer system. Consequently, Bhat need not dynamically obtain or dynamically analyze the data. Instead, as discussed above, Bhat utilizes user-input data that is apparently composed of predetermined averages and analyzes the user-input data to obtain resultants. Thus, Bhat fails to teach or suggest dynamically obtaining data relating to monitors for a node of the cluster and dynamically analyzing the data for the node. Bhat, therefore, fails to teach or suggest the methods, computer-readable medium, and system recited in

independent claims 1, 13, 14, and 15. Accordingly, Applicant respectfully submits that claims 1, 13, 14, and 15 are allowable over the cited references.

Claims 2-6 and 16 depend upon independent claims 1 and 15, respectively. Consequently, the arguments herein apply with full force to claims 2-6 and 16. Accordingly, Applicant respectfully submits that claims 2-6 and 16 are allowable over the cited reference.

The Examiner also rejected claims 6-12 as being unpatentable over Bhat in view of Sudo.

Applicant respectfully traverses the Examiner's rejection. Claims 6-12 depend upon claim 1. Consequently, the arguments herein apply with full force to claims 6-12. In particular, Bhat fails to teach or suggest dynamically obtaining data relating to monitors for a node and dynamically analyzing the data to determine whether performance can be improved in conjunction with providing at least one cluster-level remedy if performance can be improved.

The cited portion of Sudo fails to remedy the defects of Bhat. Sudo is used in distributing loads for a distributed system. Sudo, Abstract. In particular, the cited portion of Sudo describes a distributed system in which threads for a particular task may be distributed over a number of systems. Sudo, col. 3, lines 19-31. Sudo describes monitoring the loads and determining whether threads for a load are distributed equally between information processing systems. Sudo, col. 5, lines 10-14. If not, then threads for the task may be redistributed to even the load. Sudo, col. 5, lines 15-22.

One of ordinary skill in the art would not be motivated to combine the teachings of Sudo with those of Bhat. As discussed above, Bhat does not dynamically obtain data or analyze the data. Furthermore, there is no indication in Bhat that the system of Bhat distributes threads for a load to different nodes in the system of Bhat. Consequently, one of ordinary skill in the art would not be motivated to combine teachings of Sudo that are aimed at a specific problem in

distributed systems: an imbalance in the distribution of threads, with those of Bhat, which relate to planning the creation of or addition to a networked system.

Even if the teachings of Sudo were added to those of Bhat, the combination would fail to teach or suggest the methods described in claims 6-12. If the teaching of Sudo, indicating the desirability of a balance in the load for threads in a distributed system, were added to the system of Bhat, the combination might take this preferred condition, equal loads, into account when analyzing the user input. Alternatively, the combination might allow the user to input equal loads for threads as a user requirement. The system of Bhat would then provide the recommended multiprocessor or other component for the system, including the prices and costs, that could be used to ensure that the load on threads would be equal. However, the combination would still not dynamically obtain data relating to monitors for a node, determine whether performance of the cluster could be improved and, if so, provide one or more remedies including a cluster level remedy. Consequently, Bhat in view of Sudo fails to teach or suggest the methods recited in claims 6-12. Accordingly, Applicant respectfully submits that claims 6-12 are allowable as presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

October 29, 2004

Date

Respectfully submitted,

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